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DOC #: \_\_\_\_\_  
DATE FILED: 7/27/2022

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

United States of America

v.  
FABAIN MORGAN,

*Defendant.*

**Deferred Prosecution Agreement**

**S1 20 Cr. 199 (KMW)**

TO: Fabian Morgan

On January 21, 28, 2021, a grand jury sitting in the Southern District of New York returned an a superseding indictment, charging you with: making false claims, in violation of 18 U.S.C. §§ 287 and 2; theft of government funds, in violation of in violation of 18 U.S.C. §§ 641 and 2; wire fraud, in violation of in violation of 18 U.S.C. §§ 1343 and 2; health care fraud, in violation of 18 U.S.C. §§ 1347 and 2; conspiracy to commit wire fraud and health care fraud, in violation of 18 U.S.C. §§ 1349 and 2; aggravated identity theft, in violation of in violation of 18 U.S.C. §§ 1028A(a)(1) and (b) and 2; and paying an unlawful kickback in connection with a federal healthcare program, in violation of 42 U.S.C. § 1320a-7b(b)(2) and 18 U.S.C. § 2. However, after a thorough investigation it has been determined that the interest of the United States and your own interest will best be served by deferring prosecution in this District. Prosecution will be deferred during the term of your good behavior and satisfactory compliance with the terms of this agreement for the period of one year from the signing of this agreement. The terms and conditions constituting your good behavior and satisfactory compliance are as follows:

- (1) You shall refrain from violation of any law (federal, state and local). You shall immediately contact your U.S. Pretrial Services Officer if arrested or questioned by a law-enforcement officer.
- (2) You shall associate only with law-abiding persons.
- (3) If you are able, you shall work regularly at a lawful occupation and support your legal dependents, if any, to the best of your ability. When out of work you shall notify your supervising U.S. Pretrial Services Officer at once. You shall consult him or her prior to job changes.
- (4) You shall not leave the Southern or Eastern Districts of New York without permission of your supervising U.S. Pretrial Services Officer.
- (5) You shall notify your supervising U.S. Pretrial Services Officer immediately of any change in your place of residence.
- (6) You shall follow your supervising U.S. Pretrial Services Officer's instructions and advice.
- (7) You shall report to your supervising U.S. Pretrial Services Officer as directed.

(8) You shall pay a total of \$271,641.25 to the New York State Office of the Medicaid Inspector General, Bureau of Collections Management, 800 North Pearl Street, Albany, New York, 12204, in monthly payments of not less than an amount equal to 10 percent of your gross income.

As a further condition you hereby consent to disclosure, by any federal, state or local government agency, or by any medical or substance abuse treatment provider, to the U.S. Pretrial Services Officer supervising your case, of such medical and treatment records as may be requested by the Pretrial Services Officer to evaluate deferral of prosecution in this case. You further agree that you will execute any additional consent forms that any such agency or provider may require to release such information.

The United States Attorney may at any time revoke or modify any condition of this provisional release or change the period of such supervision. The United States Attorney may discharge you from supervision at any time. The United States Attorney may at any time proceed with the prosecution for this offense should the United States Attorney, in his or her sole discretion, deem such action advisable.

If upon completion of your supervision a written report from your supervising U.S. Pretrial Services Officer is received to the effect that you have complied with all the rules, regulations and conditions and special conditions applicable to your deferred prosecution, no further prosecution will be instituted in this District for the above offense.

Dated: New York, New York  
July 22, 2022

DAMIAN WILLIAMS  
United States Attorney for the  
Southern District of New York

By: /s/Brandon D. Harper  
Brandon D. Harper  
Kedar S. Bhatia  
Assistant United States Attorneys  
Tel.: 212-637-2209

[continued on next page]

The undersigned hereby consents to the foregoing and expressly waives any and all rights to a speedy trial pursuant to the Sixth Amendment to the United States Constitution, the Speedy Trial Act, 18 U.S.C. §§3161 et seq., and any other pertinent provisions, and consents to the adjournment of all pending proceedings in this case. The undersigned further waives the applicable statute of limitations with respect to any prosecution that is not time-barred on the date that this agreement is signed. It is the intent of this provision to toll the applicable statute of limitations during the pendency of the deferred prosecution.

Dated: New York, New York  
July 22 2022

James Neuman

James Neuman, Esq.  
Attorney for Defendant

Fabian Morgan (by counsel)

Fabian Morgan  
Defendant

Pursuant to 18 U.S.C. §3161(h)(2), exclusion under the Speedy Trial Act of the period of time during which the prosecution of the defendant is deferred pursuant to this agreement is hereby approved.

Dated: New York, New York  
July 27, 2022

/s/ Kimba M. Wood  
Honorable Kimba M. Wood  
United States District Judge

The undersigned hereby consents to the foregoing and will accept supervision of the above-named defendant on the conditions set forth herein.

Dated: New York, New York  
July , 2022

James C. Vayda  
United States Pretrial Services Officer

07.29.2012